

Schiff

Amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances relating to Administration: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 14.210 to read as follows:

14.210. Purpose and policy statement. This ordinance clarifies the communication and enforcement relationship between the City and the United States Department of Justice Immigration and Naturalization Service (INS). The city works cooperatively with the INS, as it does with all state and federal agencies, but the city does not operate its programs for the purpose of enforcing federal immigration laws. The INS has the legal authority to enforce immigration laws in the United States, in Minnesota and in the city. This ordinance shall be the only regulation within the city on this matter, and it shall supersede all conflicting policies, ordinances, rules, procedures and practices.

Section 2. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 14.220 to read as follows:

14.220. City services. (a) City employees are to carry out their regular duties for the purpose of administering city services and programs. With the exception of filling out I-9 forms, city employees are not to perform duties dictated by the INS or agents of the INS.

(b)

(1) City employees and representatives shall follow general city, state and federal guidelines to assess eligibility for services. City employees and representatives shall not discriminate against any current or potential service users on the basis of any of the protected categories listed in the city's civil rights ordinance (139.40), or on the basis of immigration status. City employees and representatives shall not solicit immigration information from current or potential service users or inquire about immigration status.

(2) Information about protected or immigration status (including information from an I-9 forms) in the possession of or known to city employees and

representatives, however received, shall not be maintained, communicated to the INS, or in any manner used for the enforcement of immigration laws.

(c) Other than filling out I-9 forms, city employees and representatives shall not use city resources or personnel to detect or apprehend persons whose only violation of law is or may be being undocumented, being out of status, or illegally residing in the United States (collectively "undocumented").

(d) City employees may require evidence of a person's identity and may ask to see a person's personal identifying documents only when specifically authorized and required to do so by the employee's work duties, but only if done consistent with the prohibition against discrimination in the provision of public services based on race, creed, and national origin.

Where presentation of a Minnesota driver's license is customarily accepted as adequate evidence of identity, presentation of a photo identity document issued by Hennepin County or by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), or other photo identity document, shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Minnesota drivers license.

No inquiry regarding the person's immigration status shall be made by city employees or their representatives to any party, including to the INS, and no higher level of scrutiny or other differential treatment shall be accorded the person because the person has presented such a document.

(e) City law enforcement officials shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented aliens, or to verify immigration status, including but not limited to questioning any person or persons.

(f) City law enforcement official shall not question, arrest or detain any person for violations of federal civil immigration laws. Enforcement of these laws are under the exclusive jurisdiction of the United States Department of Immigration and Naturalization Service (INS).

(g) City law enforcement officials may assist the INS in the investigation of criminal activity involving undocumented aliens by accompanying INS officers but only when needed to ensure the safety of such INS officers, and only after approval of the chief of police or the chief's designee. Prior to dispatching any city personnel, the chief of police, or the chief's designee shall receive and review a mission statement and operational guidelines from the INS agent in charge to determine whether the requested role for city personnel meets city guidelines prior to the approval of support from city personnel. All such use of city law enforcement shall be recorded, including the INS mission statement and operational guidelines, the reason for the dispatch of personnel, the name of the INS agent in charge, the results of the investigation, and the name of the officer authorizing the use of city personnel.

Section 3. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 14.230 to read as follows:

14.230. Complaints and discipline. Violation of this ordinance shall be subject to disciplinary action under the city personnel rules, appropriate union contract, civil service rules, or other city or department rules and/or regulations. It shall not be a violation of this policy statement to require the completion of I-9 forms. Complaints of a violation of this ordinance shall be received and investigated by the civilian review authority. Complainants and witnesses shall not be asked to provide their immigration status at any point during the complaint process, and no investigation of the immigration status of the complainant and witness shall be made by any city personnel in the investigation of such a complaint or thereafter.

Section 4. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 14.240 to read as follows:

14.240. Civil remedy for violation. A person who violated this ordinance shall be liable in a civil action brought by any aggrieved party in the amount of one thousand dollars (\$1,000.00) per violation plus an amount to compensate for any damages incurred as a direct result of the violation and for any expenses incurred by the aggrieved party, including reasonable attorney fees to pursue a successful action under this ordinance, as determined by the court. The court may award exemplary damages in an amount the court determines is necessary to ensure the violator's future compliance with this ordinance.